

Objection to Proposed Settlement by Class Member – Theresa Dahlen
Date: 4/7/15

Case Name: Banks v. Nissan North America, Inc.

Case #: 4:11-cv-02022-PJH

To: U.S. Dist. Court for the Northern Dist. of CA

FILED

APR 10 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

[Handwritten signature]

Objection: I object to the proposed settlement by Nissan North America, Inc.

C
Reason for objection: I have been having problems with the Delta Stroke Sensor on my 2005 Nissan Armada since 2008. At that time my vehicle had 35,881 miles. The vehicle was still under warranty. So Nissan Fontana, CA replaced the brake booster. However, this did not fix the problem. I continued to have problems with the brakes not working properly. This problem would happen sporadically. After moving to IL, I would take it in to Nissan in Gurnee, IL, but they would tell me that they couldn't fix it if it wasn't acting up at that time. Sometimes the vehicle would be fine for months and then it would happen again. In 2013, I filed a vehicle safety complaint on safecar.gov. This problem has still not been fixed on my vehicle. The last time I was at Nissan in Gurnee, IL I told them about the lawsuit, but they said they had no idea about this issue. I have also learned over the years that if the vehicle is shut off and turned back on, it will reset something and then it works fine (until it happens again). This continues to still be a safety concern for me. When it happens, I cannot safely stop my vehicle in an appropriate amount of time. I have to apply the brakes, move to the side of the street and let the vehicle slowly come to a stop. According to the current mileage on my vehicle, I would only receive \$80. to fix this problem. However, I was told a delta stroke sensor costs over \$600. to fix not including labor. I have had this problem since my vehicle had 35,881 miles on it. So I don't agree with the proposed settlement. I feel all vehicles should have this safety problem fixed with no charge to the customer.

I do not intend to appear at the Final Fairness Hearing. I cannot afford travel expenses to appear.

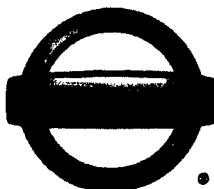
Signed: *Theresa L. Dahlen*

Theresa L. Dahlen

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FONTANA NISSAN



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BAR #AM237023

This factory warranty constitutes all of the warranties with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

This form is an itemized list of repairs and is part of a repair order. This repair order continuation is subject to all the conditions of the original repair order.

CUSTOMER NO. 7912	ADVISOR JEROME PORTER	TAG NO. 431 5531	INVOICE DATE 02/20/08	INVOICE NO. NICS58147
KEVIN S DAHLEN 15451 GATWICK AV FONTANA, CA 92336	LABOR RATE	LICENSE NO. 5RNT457	MILEAGE 35,881	COLOR SMOKE/GRAPH
	YEAR / MAKE / MODEL 05/NISSAN/ARMADA/4DR LE 4WD AT			STOCK NO. 2890
	VEHICLE I.D. NO. 5 N 1 A A 0 8 B 0 5 N 7 2 9 0 0 1			DELIVERY DATE 09/17/05
	F.T.E. NO.			DELIVERY MILES 12
F.O. NO.		F.O. DATE 02/19/08		PRODUCTION DATE
REPAIR ORDER NO. 909-823-6798	BUSINESS PHONE 951-681-4444	COMMENTS		
				MO: 35890

PARTS	QTY	FP NUMBER	DESCRIPTION	UNIT PRICE	WARRANTY
	1	80999-VE000	CLIP		
				TOTAL - PARTS	0.00

JOB# 3 TOTALS.....

JOB# 3 JOURNAL PREFIX NICS JOB# 3 TOTAL 0.00

LABOR.....

JOB# 4 TOTALS.....

JOB# 4 JOURNAL PREFIX NICS JOB# 4 TOTAL 0.00

UPON INSPECTION, TECHNICIAN FOUND DTC C1179 DELTA STROKE
SENSOR FAILURE
BRAKE BOOSTER FAILURE
REPLACE BRAKE BOOSTER AND TEST DRIVE TO CONFIRM REPAIR.
NO FURTHER RESET OF DTC C 1179 AT THIS TIME.

ESTIMATE.....

CUSTOMER HEREBY ACKNOWLEDGES RECEIVING

ORIGINAL ESTIMATE OF \$96.40 (+TAX)

TOTALS.....

*****	TOTAL LABOR....	0.00
*	TOTAL PARTS....	0.00
*	TOTAL SUBLET....	0.00
*	TOTAL G.O.G....	0.00
*	TOTAL MISC CHG.	0.00
*	TOTAL MISC DISC	0.00
*	TOTAL TAX.....	0.00
*****	TOTAL INVOICE \$	0.00

THANK YOU FOR YOUR BUSINESS!!

CUSTOMER SIGNATURE

Reynolds and Reynolds, ERANT/SH4E, C038756 Q, (R005)



You are here: Home / Vehicle Owners / File a Complaint / File a Vehicle Complaint

Have a Safety Complaint?

Let Us Know

See Other Complaints

Search Safety Issues by:

Vehicles

Child Restraints

Tires

Equipment

Keyword
(Complaints only)

ID Number

Receive Updates for Latest Recalls

Sign-up for Email Alerts

Subscribe to RSS Feeds

Resources

Databases (Flat Files)

Passenger Van Safety

Emergency Response
Vehicles

File a Vehicle Safety Complaint

NOTE: If you do not have an email address, or cannot fill in a required field, please phone the Vehicle Safety Hotline (Toll-Free: 1-888-327-4236 / Hearing Impaired (TTY): 1-800-424-9153) for assistance.

Form Approved: O.M.B. No. 2127-0006

Please complete each section and then click on the "Verify your entries" button at the bottom.

* = required field

[Help](#)

1. Vehicle Information

Vehicle Identification Number (VIN):

[Test your VIN](#)

Valid VIN number.

* **Vehicle:** Enter your vehicle Make, Model and Model Year separated by spaces (e.g., MakeName ModelName 2003). After three characters possible matches may be shown and can be selected to complete your entry.

2. Incident Information

* **Approximate Incident Date:**
For multiple incident dates enter the first date of occurrence.

Was there a Crash? ☐ Yes ☒ No

Was there a Fire? ☐ Yes ☒ No

Was there an Injury or Fatality? ☐ Yes ☒ No

Vehicle mileage at time of incident (miles):

For multiple incidents, enter the first failure mileage

Vehicle speed at time of incident (mph):

* **Affected Parts:** Select up to three parts

☐ Brakes

☐ Speed Control

* **Tell us what happened:** Enter up to 1900 characters

WARNING: This description, exactly as you enter it, may appear in a public NHTSA database. Do not include any personal information (name, street/email address, phone number, social security/driver license number, Vehicle Identification Number (VIN), etc...).

(1297 characters left)

While driving, the ABS brake light comes on and when I try to brake, the brakes make a grinding/grating noise and the vehicle does not brake properly. This has happened on several occasions. It is always sporadic. When the vehicle is shut off, something resets and it won't do it again. So the Nissan dealership says they can't fix it because they can't find anything wrong. It is a safety issue because it can happen anytime and it affects the brakes working. If there is a crash in the future, it will be the fault of Nissan because I am documenting everything, including this safety complaint.

3. Personal Information

We Value Your Privacy

* **First Name:**

The information you provide will be used to identify potential safety-related defects or determine the adequacy of existing safety recalls. We do not share your personal information with the general public. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 59 FR 63671 (Nov. 3, 2004).

* Last Name:

* Email:

* Confirm Email:

* Daytime Phone:

Evening Phone:

* Address 1:

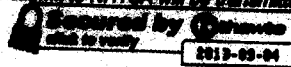
Address 2:

* City:

* State:

* Zip Code:

All the information that you submit to NHTSA will be transmitted using secure mechanism.



NHTSA.GOV | 911.GOV | DISTRACTION.GOV | TRAFFICSAFETYMARKETING.GOV | EMS.GOV

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1200 New Jersey Avenue, SE, West Building Washington DC 20590 USA 1.888.327.4236 TTY 1.800.424.9153